

REMARKS

The Examiner required restriction of the application to one of the following claim groups:

Claim Group I, including claims 2 and 27, drawn to apparatus for detecting level whose primary system is optical, classified in class 73, subclass 293.

Claim Group II, including claims 3 and 28, drawn to apparatus for detecting level whose primary system is ultrasonic.

Claim Group III, including claims 4 and 29, drawn to apparatus for detecting level whose primary system is time based.

Claim Group IV, including claims 5-8 and 30-33, drawn to apparatus for detecting level whose secondary system includes conductive probes.

Claim Group V, including claims 9-22 and 34-48, drawn to apparatus for detecting level with optical system with lens, classified in class 73, subclass 293.

Claim Group VI, including claims 23-25 and 49-51, drawn to apparatus for detecting level with a movably mounted probe.

Claim Group VII, including claims 52-54, drawn to method for detecting level employing intermittent power.

Applicant provisionally elects Claim Group V, including claims 9-22 and 34-48, for examination on the merits, with traverse. The restriction requirement is traversed on the following grounds.

The Examiner indicated that Group I and Group V are related as combination and subcombination, but that they are distinct in that the combination as claimed does not require the particulars of the subcombination as claimed, because all limitations of the subcombination are not in the combination. According to MPEP §803, there are two criteria for a proper restriction requirement: (A) The inventions must be independent or distinct; and (B) there must be a serious burden on the examiner if restriction is required. It is respectfully submitted that Group I and Group V are in the identical class and subclass, and that Group I relates to the first embodiment illustrated in Figs. 1-9, and that Group V relates to the same embodiment as illustrated in Figs. 1, 6 and 9, as described in the specification in paragraphs 26-34, 42, 44 and 51, for example, so that searching Groups I and V should not prove to be an undue burden on the Examiner.

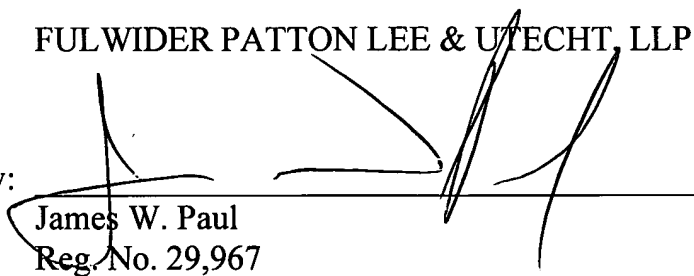
It is therefore respectfully requested that in addition to provisionally elected Group V, the Examiner search and examine Group I and the linking claims 1 and 26.

In light of the foregoing remarks, an early favorable reconsideration of the application on the merits is respectfully requested.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:


James W. Paul
Reg. No. 29,967

JWP/rvw

Encls.: Return Postcard

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201